C.D. 1001/- (3)

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No.3449 Of 2004.

PETITIONER :- L.P. Rathore, son of Deoprasad Rathore, aged about 75 years, Retired Principal, Higher Secondary School, Resident of Portha, Tahsil Shakti, District Bilaspur (Chhattisgarh)

V E R S U S

RESPONDENTS

1. State of Chhattisgarh, through Secretary, Ministry of School Education, Secretariat, D.K.S. Bhawan, Raipur (Chhattisgarh),
2. The Director, Public Instructions Secretariat, Pension Bada, Raipur (Chhattisgarh),
3. The Deputy Director Education, District Janjgir-Champa (Chhattisgarh),
4. The Joint Director, Treasury Account and Pension, The State of Chhattisgarh, Bilaspur (Chhattisgarh),
5. The Principal, Govt. Higher Secondary School, Baraduar, District Janjgir-Champa (Chhattisgarh).

R.R. No. 3406/04 Presented by Shri Pankaj Agrawal dated 21-9-04

Received on 21/9/04 Clerk to A.G. Bilaspur

PETITION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA

DETAILS OF PETITION :-

1. **PARTICULARS OF PETITIONER** :- As above in title.
2. **PARTICULARS OF RESPONDENTS** :- As above in title.
3. **ORDER AGAINST WHICH THE PETITION IS BEING MADE** :-

(i) Order no. :- The respondents are not giving benefits

Contd..2..

(22)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 3449/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

28.01.2005

Shri Pankaj Agrawal, counsel for the petitioner.

Shri Sudhir Agrawal, Panel Lawyer for the State/respondent No. 1 on advance copy.

Heard.

Learned counsel for the petitioner submits that earlier to this writ petition, the petitioner had filed original application before the M.P. State Administrative Tribunal, Jabalpur as O.A. No.2728 of 1991. This original application was filed for a direction to the respondents to count the past services rendered by the petitioner under local authorities prior to the date of taking over of the institution by the Government for the purposes of pensionary benefit and pay him gratuity, pension etc. Learned Administrative Tribunal decided the aforesaid original application by order Annexure-P/1. The copy of the order passed by the S.A.T. is placed on record at page 6. The copy of the original applcation filed by the petitioner is also filed on record at page 9. Para 12 of the order passed in T.A. No. 1589/88 by the Tribunal which also decides O.A. No. 2728/91 is quoted as under:-

> *"The State Government implemented decision of the High Court in Bhakhare's case and did not file any appeal. Therefore, the State Government cannot give a differencial treatment to the applicants. The respondents are, therefore, directed to count the entire service of the applicants including those under the local bodies for the*

GRPRJ—FS/350—12/2000—50,000.

(23)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P No. 3449/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

purposes of counting the number of years of service rendered by them for calculation of the pensionary benefits."

Learned counsel for the petitioner submits that according to the aforesaid order, it was directed that the respondents shall count the entire service of the petitioner including those under the local bodies for the purposes of counting the number of years of service rendered by them for calculation of the pensionary benefits. However, respondents have not given benefits of this part of the order to the petitioner. Learned counsel also submits that the notice under Section 80 of the C.P.C. was given on 1.8.2002 but even after the said notice, the respondents have not taken any decision in this regard.

During the course of arguments, learned counsel for the petitoner pryas that the petitioner may be given an opportunity to file a detailed representation along with copy of this order and copy of the writ petition and concerned respondents may be directed to decide the same within stipulated period by passing a reasoned order in accordance with law.

This limited prayer of learned counsel for the petitioner is not opposed by counsel for the State.

The prayer is allowed.

The petitioner may file a detailed representation before the respondent No. 2 within a period of 15 days from today along with

GRPRJ—FS/350—12/2000—50,000.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 3449/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

copy of writ petition and copy of this order and if such representation is filed, respondent No. 2 is directed to decide the same by passing a reasoned order on each points raised by the petitioner within a period of 4 months from the date of receipt/filing of the representation.

With the aforesaid observations, the petition stands finally disposed of.

Certified copy as per rules.

Sd/-
Sunil Kumar Sinha
Judge

Vatti